



INTERIM JOINT COMMITTEE ON JUDICIARY, OCT. 3, 2014

STATEMENT BY JIM WATERS, PRESIDENT BLUEGRASS INSTITUTE FOR PUBLIC POLICY SOLUTIONS

Good morning ladies and gentlemen. My name is Jim Waters. I'm the president of the Bluegrass Institute for Public Policy Solutions. We are a free-market think tank focused on offering common sense, economically sound solutions to Kentucky's greatest challenges.

I would like to thank Kentucky Public Advocate Ed Monahan for his tireless and focused work on this issue. I would also like to thank you for your continuing commitment to riding the wave of momentum created by passage of House Bill 463, and by your willingness to consider relevant data and research that can help identify meaningful solutions for further reforming the commonwealth's criminal-justice policy while reducing taxpayers' costs.

I'll be honest: when Public Advocate Monahan first approached me under the guise of wanting to see how we could work together to reduce overspending and waste in our criminal-justice system, I wasn't sure. I certainly didn't want to be part of a campaign that, in any way, threatens the safety and security of our fellow Kentuckians. Only as people are safe in their livelihoods and their properties are secure can we hope to achieve true freedom and prosperity.

While we need to continue to protect life, limb and property from violent criminal acts, I'm convinced that Advocate Monahan is offering a balanced approach with these common-sense proposals that other states are successfully pursuing, and that other state-based free-market groups like the Texas Public Policy Foundation – our sister free-market organization in the Longhorn State – fully and heartily endorse.

While there certainly is a need for a lock-'em-up-and-throw-away-the-key approach to violent and repeat offenders of serious crimes, we also must not allow emotion, politics, what is politically easy or fear to dictate our public policy. Instead, we need reasoned, measured and balanced approaches based on sound research and, yes, a good dose of common public-policy and fiscal sense.

It makes common fiscal sense to consider reclassifying minor misdemeanors downward to violations – especially when doing so would, according to the Kentucky Legislative Research Commission, bring substantial savings to jails and reduce court time while increasing revenues from the fines collected.

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It also makes good fiscal sense to continue the momentum begun by passage of House Bill 463 by reducing low-level felonies to gross misdemeanors. Why shouldn't we lower the sentence for many non-violent offenders while saving taxpayers the \$46 a day it costs to incarcerate an offender?

Also, let's find ways to encourage parole board members to fulfill the spirit of House Bill 463 by paroling more of the nearly 30 percent of low-risk offenders that they refused to parole in 2012. Just the failure to parole more than 600 low-risk offenders costs taxpayers nearly \$28,000 per day in unnecessary costs.

What concerns us about this is that the rate of parole for low-risk offenders is going in the wrong direction; it's falling. During fiscal 2014, less than 64 percent of low-risk offenders were being released. While that release rate did improve a bit to 72 percent in August, the point remains relevant: a common sense, taxpayer-friendly approach to criminal justice policy takes into account that releasing low-risk offenders instead of keeping them locked up in prison would not only save taxpayers that \$46 per day per prisoner, but also it can also be done safely as parole boards use the highly effective risk-assessment tools available to them.

The Bluegrass Institute joins with Advocate Monahan in commending Kentucky policymakers for successful implementation of the sound reforms imbedded in House Bill 463, which are estimated to save the commonwealth more than \$400 million during the next decade.

But these solutions do more than just save taxpayers money. A balanced, common-sense approach can empower victims of crime and reform offenders, too. It's also worth noting that the substantial savings gained from these reforms will, in fact, ensure that we have the needed resources as a commonwealth to incarcerate violent offenders and protect our citizens.

In recent years, Kentucky has enacted meaningful reforms in its justice system for both adults and juveniles. In his statement when signing House Bill 463 into law, Governor Beshear noted that "over the last three years, we've made headway with aggressive efforts to bring common sense to Kentucky's penal code, and our prison population has dropped each of the past three years. House Bill 463 helps us be tough on crime while being smart on crime."

The Bluegrass Institute could not agree more. But we hope that this is just the beginning of reforms, and that policymakers will consider additional cost-saving developments such as we see occurring in other states, including Texas – where the crime rate has reached its lowest level since 1968, even as the incarceration rate has plunged by nearly 12 percent just since 2005.

Kentucky's crime rate also has dropped even as reforms have been introduced, which should allay any fear that implementing these would next steps somehow or other erodes the safety of our state and its citizens.

We encourage policymakers to ride the wave of momentum created by the bipartisan hard work on – and support for – House Bill 463, and implement those additional reforms proposed by Advocate Monahan that represent good stewardship of taxpayers' dollars and sound, common-sense criminal-justice policy.

Thank you.

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